

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DWIGHT RUSSELL, *et al.*,
Plaintiffs,

v.

HARRIS COUNTY, TEXAS, *et*
al.,
Defendants.

Civil Action No. 4:19-cv-226

Honorable Lee H. Rosenthal
United States District Judge

Motion for Leave to File *Amicus Curiae* Brief by Senator Paul Bettencourt

Senator Paul Bettencourt respectfully moves for leave to file an *amicus curiae* brief in opposition to the Report of Sheriff Ed Gonzalez January 12, 2021 and Request for Emergency Hearing.¹

Senator Paul Bettencourt represents District 7 in the Texas State Senate. District 7 includes approximately 954,933 Texas residents of Harris County, Texas.² These residents live in the cities of Houston, Bunker Hill Village,

¹ Amicus Curiae Brief by Senator Paul Bettencourt, State Representatives Sam Harless, Dan Huberty, Briscoe Cain, Dennis Paul, Tom Oliverson, James Murphy, Dwayne Bohac, Valoree Swanson, Russell v. Harris County, No. 4:19-cv-226 (S.D. Tex.), ECF No. 78.

² See Analysis by Texas Legislative Council, Research Division, 2014-2018 American Community Survey (ACS) 5-Year Summary File (<https://wrm.capitol.texas.gov/fyiwebdocs/PDF/senate/dist7/profile.pdf>).

Hedwig Village, Hunters Creek Village, Jersey Village, Piney Point Village, Tomball, and unincorporated areas of Harris County.³

Senator Bettencourt's brief may be of assistance to the Court because it outlines the constituent concerns of the representative of over a third of Harris County residents. Accordingly, Senator Bettencourt respectfully requests that the Court grant his motion for leave to file the accompanying brief and consider his arguments during its deliberations.

Respectfully submitted,

/s/ Gary M. Polland

Gary M. Polland

Texas Bar Number 16095800

Federal ID Number 4715

Polland & Associates PC

1533 W. Alabama Street

Houston, Texas 77006

Telephone: 713.621.6335

Facsimile: 713.622.6334

pollandlaw@yahoo.com

Attorney for Senator Paul Bettencourt

³ See Cities and Census Designated Places (CDPs) by District, Texas Legislative Council (<https://wrn.capitol.texas.gov/fyiwebdocs/PDF/senate/dist7/r6.pdf>).

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Motion for Leave to File *Amicus Curiae* Brief by Senator Paul Bettencourt has been sent to all interested parties via the CM/ECF filing system on January 22, 2021.

/s/ Gary M. Polland
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Amicus Curiae Brief by Senator Paul Bettencourt

In April 2020, Senator Paul Bettencourt filed a brief in this case objecting to the wholesale release of persons accused of felony offenses from the Harris County Jail.¹ The Texas Legislature's 87th regular session began on January 12, 2021 and will end on May 31, 2021. As the elected representative of many Harris County residents, including law abiding citizens and crime survivors, I file this renewed objection to the release of accused persons based on insufficient bonds that do not protect the people of Harris County.

¹ *Amicus Curiae* Brief by Senator Paul Bettencourt, State Representatives Sam Harless, Dan Huberty, Briscoe Cain, Dennis Paul, Tom Oliverson, James Murphy, Dwayne Bohac, Valoree Swanson, *Russell v. Harris County*, No. 4:19-cv-226 (S.D. Tex.), ECF No. 78.

Public safety concerns in Harris County are at dire levels. Houston has seen a sharp rise in homicides in 2020 – 380 murders through December 4, up from 256 over the same period in 2019.² Houston Police Chief Art Acevedo is providing the homicide division of the Houston Police Department with more investigators and additional overtime funds.³ In December, Governor Abbott directed the Texas Department of Public Safety to provide support to the Houston Police Department in their efforts to address an “alarming rise in road rage-related shootings in the city of Houston.”⁴ At least 90 people killed in Harris County from 2018 to present were killed by Harris County defendants on various bonds.⁵ Dog walking is not even safe in Houston.⁶

² Scott Calvert and Zusha Elinson, *Police are Solving Fewer Murders During Covid-19 Pandemic*, THE WALL STREET JOURNAL (Dec. 26, 2020), <https://www.wsj.com/articles/police-are-solving-fewer-murders-during-covid-19-pandemic-11608994800>.

³ *Id.*

⁴ Press Release, Governor Greg Abbott, Governor Abbott Deploys DPS Resources To Houston To Combat Violent Crime, Rise In Road Rage Shootings (Dec. 9, 2020), <https://gov.texas.gov/news/post/governor-abbott-deploys-dps-resources-to-houston-to-combat-violent-crime-rise-in-road-rage-shootings>.

⁵ Andy Kahan (@akahancrimesto1), TWITTER (Jan. 19, 2021, 6:34 PM), <https://twitter.com/akahancrimesto1/status/1351689422308323333>.

⁶ T.J. Parker, *Spring Branch-area tenants on edge after armed robbery led to dog being shot and killed*, ABC 13 EYEWITNESS NEWS (Jan. 20, 2021), [https://abc13.com/dog-fatally-shot-armed-robbery-killed-villas-at-bunker-hill-spring-branch-robbed-gunpoint-while-walking/9847022/#:~:text=HOUSTON%2C%20Texas%20\(KTRK\)%20%2D%2D,it%20was%20shot%20to%20death.&text=The%20dog%20was%20shot%20twice%20before%20the%20suspects%20ran%20off](https://abc13.com/dog-fatally-shot-armed-robbery-killed-villas-at-bunker-hill-spring-branch-robbed-gunpoint-while-walking/9847022/#:~:text=HOUSTON%2C%20Texas%20(KTRK)%20%2D%2D,it%20was%20shot%20to%20death.&text=The%20dog%20was%20shot%20twice%20before%20the%20suspects%20ran%20off).

The current revolving door at the Harris County courthouse is alarming. There is a backlog of cases in the criminal courts and there are no provisions to move the cases forward.⁷ (“The overall backlog of criminal cases in Harris County district courts sits at 47,224 pending cases as of November, including 4,602 family violence felonies, 800 murders, 3,931 serious assaults, more than 1,500 sex crimes against children and tens of thousands of other cases all waiting for a resolution.”).

The Sheriff’s statements are alarming because he is entrusted with protecting all Harris County citizens by enforcing the law. There are no statutory limits on the potential jailed persons. And, certainly, there are other options aside from wholesale release, including the procurement of additional jail space and cooperation with the Harris County legislators during this legislative session.

I continue to stand against the dangerous release of accused felony offenders from the Harris County Jail without any consideration of law enforcement officers and crime survivors, as this will assuredly continue a crime wave in Harris County. This Court should deny the Sheriff’s request to release accused felony offenders from the Harris County Jail.

⁷ Ted Oberg and Sarah Rafique, *Victims wait as courts face unprecedented COVID-19 delays*, ABC 13 EYEWITNESS NEWS (Dec. 18, 2021), <https://abc13.com/harris-county-crime-backlog-court-houston-victims/8777694/>

Respectfully submitted,

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